

# SIVE | PAGET | RIESEL

**DAN CHOROST**  
DIRECT DIAL: 646.378.7207  
DCHOROST@SPRLAW.COM

March 3, 2025

**VIA ECF**

The Honorable Leo M. Gordon  
United States District Court  
District of New Jersey  
50 Walnut Street  
Newark, New Jersey 07102

Re: *State of New Jersey v. U.S. Dep't of Transp., et al.*, No. 23-cv-03885 (LMG) (LDW)

Dear Judge Gordon,

On behalf of Intervenor-Defendants the Metropolitan Transportation Authority and the Triborough Bridge and Tunnel Authority, we write to explain our filing today of an amended brief in support of the Federal Highway Administration's remand submission.

Counsel for Plaintiff State of New Jersey ("New Jersey") wrote to us today demanding that we submit an amended version of Intervenor-Defendants' original brief (ECF 242) because: (1) the single-sentence "Conclusion" section falls on the 24<sup>th</sup> page; (2) the footnotes are in 10-point font; and (3) pages 18 and 19 inadvertently use 11.5-point instead of 12-point font.

Intervenor-Defendants have followed New Jersey's practice of using 10-point font footnotes dating back to New Jersey's original summary judgment brief (ECF 67-1) without objection, and we did not consider the pro-forma conclusion to be a part of our substantive brief. As noted, the smaller font on two pages was entirely inadvertent. As New Jersey threatened motion practice if these issues were not corrected, Intervenor-Defendants—to avoid unduly burdening the Court with unnecessary motion practice—have filed an amended brief with uniform fonts and the conclusion on the final page of the brief. As New Jersey should have recognized, this required only non-substantive edits.

Intervenor-Defendants will provide a tracked-changes version of the brief indicating the minor changes should the Court request it. For convenience we have also refiled the (unchanged) Declaration of Kevin Willens originally filed with the brief.

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Respectfully,

/s/ Daniel Chorost

Daniel Chorost

Mark A. Chertok\*

Elizabeth Knauer\*

John F. Nelson\*

SIVE, PAGET &amp; RIESEL, P.C.

560 Lexington Avenue, 15th Floor

New York, NY 10022

(212) 421-2150

dchorost@sprlaw.com

mchertok@sprlaw.com

eknauer@sprlaw.com

jnelson@sprlaw.com

/s/ Roberta A. Kaplan

Roberta A. Kaplan\*

D. Brandon Trice \*

KAPLAN MARTIN LLP

1133 Avenue of the Americas

Suite 1500

New York, NY 10036

(212) 316-9500

rkaplan@kaplanmartin.com

btrice@kaplanmartin.com

*Counsel for Intervenor-Defendants the  
Metropolitan Transportation Authority  
and the Triborough Bridge and Tunnel  
Authority*

*\*Admitted pro hac vice*